

**UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

CURTIS CORY,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-21-568-G
)	
OVINTIV USA INC. et al.,)	
)	
Defendants.)	

ORDER

On June 4, 2021, Plaintiff Curtis Cory initiated this civil action, asserting claims against Defendants Ovintiv USA Inc., Ovintiv Mid-Continent Inc., and Ovintiv Inc. for quiet title and breach of contract. The case is currently stayed pursuant to Federal Rule of Civil Procedure 41(d). *See* Order of Mar. 31, 2023.

On August 2, 2023, a Motion for Substitution (Doc. No. 35) was filed by Ms. Melissa Cory. In this Motion, Ms. Cory represents that Plaintiff passed away on July 20, 2023, and that Ms. Cory is Plaintiff's duly designated beneficiary. *See id.* at 1; *id.* Ex. 1 (Doc. No. 35-1) (Aff. of Acceptance of Property Transfer on Death); *id.* Ex. 2 (Doc. No. 35-2) (Certificate of Death). Ms. Cory requests that she be substituted as the plaintiff in this action pursuant to Federal Rule of Civil Procedure 25(a) and permitted to continue prosecuting the relevant claims. *See* Mot. at 1. No response to the Motion has been submitted within the time allowed by this Court's local rules.

Rule 25(a)(1) of the Federal Rules of Civil Procedure prescribes in relevant part:

(a) Death.

(1) Substitution if the Claim Is Not Extinguished. If a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent's successor or representative.

Fed. R. Civ. P. 25(a)(1).

Having considered the relevant record, the Court finds that Plaintiff Curtis Cory died on July 20, 2023, and that the Motion for Substitution, with a statement noting death, was duly served upon Defendants. *See id.* R. 25(a)(2), (3). The Court further finds that substitution of Ms. Cory, Plaintiff's beneficiary and now-owner of the relevant property, is proper under Rule 25(a)(1). *See id.* R. 25(a)(1); Mot. Ex. 1; *see also Dillon v. Dish Network, LLC*, No. 1:22-cv-00557, 2023 WL 4891448, at *4 (D.N.M. Aug. 1, 2023).

CONCLUSION

For the foregoing reasons, the unopposed Motion for Substitution (Doc. No. 35) is GRANTED.

IT IS HEREBY ORDERED that Melissa Cory is substituted as Plaintiff in place of Curtis Cory. The Clerk of Court shall update the case docket to reflect this substitution.

IT IS FURTHER ORDERED that Melissa Cory shall file a written entry of appearance, appearing either through counsel or pro se, within fourteen (14) days of the issuance of this Order.

IT IS SO ORDERED this 13th day of October, 2023.



CHARLES B. GOODWIN
United States District Judge